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General Disputes Quote in CBS Trial

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Gen. William C. Westmoreland and a lawyer for CBS argued yesterday over one of the most memorable phrases of the Vietnam War, with the lawyer suggesting that the general had misled Washington into believing there was "light at the end of tunnel" in 1967 and the general saying he had not used that expression.

"I never had quite that degree of optimism," General Westmoreland told the jury at his libel trial against CBS in Federal Court in Manhattan.

But the lawyer, David Boies, showed the witness a Nov. 26, 1967, cable he had sent during a visit to Washington to his deputy in Saigon, Gen. Creighton W. Abrams, in which the phrase "some light at the end of the tunnel" was bracketed in quotation marks.

Q. Did you believe that was too optimistic?

A. I did not. I felt it was accurate.

General Westmoreland acknowledged, under intense cross-examination, that he had told President Johnson, the press and others in November 1967 that American troops were "grinding down the enemy," as the cable also indicated. But he said he did not intend to convey the impression that "the war was about to be over."

Wide-Ranging Testimony

The general's testimony yesterday ranged over a variety of matters, from when he learned that North Vietnamese forces were massing for what became the Tet offensive of January 1968 — Mr. Boies tried to show that it was before General Westmoreland went to Washington — to the "kindness" of Lady Bird Johnson and what was said at a White House dinner party.

To support his previous testimony that three enemy strength figures he had given the President in November 1967 were consistent and did not compare "apples with oranges with lemons," General Westmoreland cited

another document from that period that included the estimates. The document, prepared by intelligence officers, included the figures and pointed out — as the general testified on Monday — that they were the result of a "retrospective analysis."

But after more than an hour of aggressive questioning, General Westmoreland conceded that his explanation on Monday of how the specific figures were arrived at was faulty.

The general, who commanded American forces in Vietnam from 1964 to 1968, had testified that the figures for 1965 and 1966 were adjusted to include a new category of enemy "administrative services" forces that was not recognized by his command until 1967.

The introduction of that category, he had suggested, helped to offset the removal from the estimates of a category known as self-defense forces.

But yesterday, the general agreed that the personnel in the "administrative services" category in early 1967 — totaling 18,973 — had been counted in the figures for 1965 and 1966 in a category called "combat support" forces.

'Arbitrary' Ceiling

General Westmoreland contends that CBS libeled him in a 1982 CBS Reports documentary, "The Uncounted Enemy: A Vietnam Deception," by saying that he had deceived President Johnson and the Joint Chiefs of Staff about the size and nature of the enemy in 1967. CBS says the broadcast was true.

It alleged a "conspiracy" at the "highest levels" of military intelligence to minimize North Vietnamese and Vietcong strength to make it appear that America was winning the war. General Westmoreland, it said, imposed an "arbitrary" ceiling of 300,000 on reports of enemy strength, partly by dropping the self-defense forces from the official military listing of that strength known as the order of battle.

The 70-year-old retired general has said that he decided to exclude the part-time hamlet-based forces from the order of battle in mid-1967 because they did not pose an offensive military threat and it was time to differentiate between "the fighters and the nonfighters" among the enemy.

To win an award in his \$120 million suit, General Westmoreland must show that his reputation was damaged.

Previous Critical Articles

Yesterday afternoon, Mr. Boies sought to contradict the general's earlier testimony that he had been "humiliated" by the documentary and to demonstrate that the broadcast was no more critical of the plaintiff than articles or Congressional findings that had preceded it — and about which he had not sued.

Without citing its conclusions, Mr. Boies referred to a House Select Committee on Intelligence report in 1975 that said Congress and perhaps President Johnson had been misled about the size of enemy forces in South Vietnam before the Tet offensive.

The committee hearings, at which General Westmoreland did not testify, stemmed from an article that year in Harper's magazine, written by Samuel A. Adams, a former Central Intelligence Agency analyst, and edited by George Crile.

Mr. Crile joined CBS in 1976 and produced the documentary around which this trial turns. Mr. Adams was a paid consultant for the documentary. Both men — like Mike Wallace, the broadcast's narrator — are defendants with CBS.

General Westmoreland said he had never read the report of the House committee — commonly known as the Pike Committee after its chairman, Representative Otis Pike, Democrat of Suffolk County — but knew that it contained "critical statements." The report was never issued officially, but a copy was leaked to The Village Voice and published in its entirety.

The witness also said he had not read Mr. Adams's article in Harper's, which covered much of the same ground as the CBS documentary, but was aware of it at the time it appeared.

Earlier yesterday, Mr. Boies sought to prove that, even while General Westmoreland was in Washington in mid-to-late November 1967 — telling the President, the Joint Chiefs and Congressional committees that the "enemy was becoming weaker," as his cable to General Abrams said — he knew that large units of North Vietnamese troops were moving south toward Vietnam.

The general had testified that he first realized the size of those forces in late November — yesterday he could not remember exactly when — and that he had asked the President to send to Vietnam additional units of the 101st Airborne Brigade.

But Mr. Boies — who has also argued that General Westmoreland's command "systematically blocked" reports of high infiltration into South Vietnam as early as September 1967 — used the Pentagon Papers history of the war to establish that the bid for more troops was made in September.

The general told the jury that his request was not tied exclusively to the intelligence data on North Vietnamese troop movements. He said he had long anticipated a winter-spring offensive by the enemy in late 1967 and early 1968 and that he wanted to get fresh troops from the United States as early as possible to conduct their own offensives.

He denied telling a reporter in Washington in November 1967 that "the enemy was running out of men" — except in some provinces of South Vietnam. And he said it was Henry Cabot Lodge, a former American Ambassador to Saigon, who coined the expression: "light at the end of the tunnel."

"It was not my phrase," he said. "I was optimistic, but I did not forecast the end of the war, as I have been accused."